UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America
v.
Kevin Douglas Creek
DOB: [redacted]

Case No.

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 6, 2021 in the county of _____ in the _____ in the District of Columbia, the defendant(s) violated:

Code Section	*Offense Description*
18 U.S.C. § 1752(a)(1)	Knowingly Entering or Remaining in any Restricted Building or Grounds Without Lawful Authority,
18 U.S.C. § 1752(a)(2)	Disorderly and Disruptive Conduct in a Restricted Building or Grounds,
18 U.S.C. § 1752(a)(4)	Engaging in Physical Violence in a Restricted Building or Grounds,
40 U.S.C. § 5104(e)(2)(D)	Disorderly Conduct on Capitol Grounds,
40 U.S.C. § 5104(e)(2)(F)	Physical Violence on Capitol Grounds,
18 U.S.C. § 231(a)(3)	Obstruction of Law Enforcement During Civil Disorder,
18 U.S.C. § 111(a)(1)	Assault, Resisting or Impeding Certain Officers.

This criminal complaint is based on these facts:

See attached statement of facts.

☒ Continued on the attached sheet.

[redacted]
Complainant s signature

[redacted] Special Agent
Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone.

Date: 06/04/2021

Judge's signature

City and state: Washington, D.C.

Robin M. Meriweather, U.S. Magistrate Judge
Printed name and title

STATEMENT OF FACTS

1. Your affiant, [redacted] is a Special Agent with the Federal Bureau of Investigation ("FBI") since January 2021. Currently, I am tasked with investigating criminal activity in and around the Capitol grounds on January 6, 2021. As a Special Agent with the FBI, I am authorized by law or by a Government agency to engage in or supervise the prevention, detention, investigation, or prosecution of a violation of Federal criminal laws.

Incursion at the U.S. Capitol on January 6, 2021

2. The U.S. Capitol is secured 24 hours a day by U.S. Capitol Police. Restrictions around the U.S. Capitol include permanent and temporary security barriers and posts manned by U.S. Capitol Police. Only authorized people with appropriate identification were allowed access inside the U.S. Capitol. On January 6, 2021, the exterior plaza of the U.S. Capitol was also closed to members of the public.

3. On January 6, 2021, a joint session of the United States Congress convened at the United States Capitol, which is located at First Street, SE, in Washington, D.C. During the joint session, elected members of the United States House of Representatives and the United States Senate were meeting in separate chambers of the United States Capitol to certify the vote count of the Electoral College of the 2020 Presidential Election, which had taken place on November 3, 2020. The joint session began at approximately 1:00 p.m. Shortly thereafter, by approximately 1:30 p.m., the House and Senate adjourned to separate chambers to resolve a particular objection. Vice President Mike Pence was present and presiding, first in the joint session, and then in the Senate chamber.

4. As the proceedings continued in both the House and the Senate, and with Vice President Mike Pence present and presiding over the Senate, a large crowd gathered outside the U.S. Capitol. As noted above, temporary and permanent barricades were in place around the exterior of the U.S. Capitol building, and U.S. Capitol Police were present and attempting to keep the crowd away from the Capitol building and the proceedings underway inside.

5. On January 6, 2021, the exterior plaza of the U.S. Capitol was closed to members of the public by a clearly marked perimeter fence line. This fence line was intended to keep the public away from the Capitol building and the Congressional proceedings underway inside and was manned by uniformed U.S. Capitol Police Officers and was constructed of metal bike rack barriers, physically linked end to end, and reinforced with dark colored plastic mesh safety fencing affixed behind the metal bike racks. The fence line was clearly marked with large white "AREA CLOSED" signs affixed to the fencing with bold red lettering.





6. At such time, the certification proceedings were still underway and the exterior doors and windows of the U.S. Capitol were locked or otherwise secured. Members of the U.S. Capitol Police attempted to maintain order and keep the crowd from entering the Capitol; however, around 2:00 p.m., individuals in the crowd forced entry into the U.S. Capitol, including by breaking windows and by assaulting members of the U.S. Capitol Police, as others in the crowd encouraged and assisted those acts.

7. Shortly thereafter, at approximately 2:20 p.m. members of the United States House of Representatives and United States Senate, including the President of the Senate, Vice President Mike Pence, were instructed to—and did—evacuate the chambers. Accordingly, the joint session of the United States Congress was effectively suspended until shortly after 8:00 p.m. Vice President Pence remained in the United States Capitol from the time he was evacuated from the Senate Chamber until the sessions resumed.

8. During national news coverage of the aforementioned events, video footage which appeared to be captured on mobile devices of persons present on the scene depicted evidence of violations of local and federal law, including scores of individuals inside the U.S. Capitol building without authority to be there.

Facts Specific to Kevin Douglas Creek

9. Several videos taken on January 6, 2021 at the United States Capitol depict an individual who has now been identified as KEVIN DOUGLAS CREEK ("Creek") assaulting law enforcement officers who were carrying out official duties. These crimes occurred in the general area of the West Terrace of the U.S. Capitol Building.

10. Your affiant identified photos of AFO-296 on FBI.gov and retrieved all information on AFO-296 and located the video footage on the subject. Photos of AFO-296 at the U.S. Capitol on January 6th are attached below:





11. Body Camera footage revealed that AFO-296 assaulted multiple officers. All times below are approximate:

a. At 14:28:59, AFO-296 is seen physically striking a law enforcement officer who was carrying out official duties.



b. At 14:29:06, AFO-296 is seen kicking a law enforcement officer who was carrying out official duties.





12. An open source search was conducted to identify any social media accounts in the name of Kevin Creek. A search of Facebook revealed an account with the handle Kevin Creek. This Facebook profile shared a photo of a "Nailed It Roofing and Restoration" business card. Nailed It Roofing and Restoration is registered with the Georgia Corporations Division with a registered agent of Kevin Douglas Creek.

13. Your affiant reviewed a driver's license photo issued to Creek and the Facebook profile photos posted by Kevin Creek and also compared these to images and videos of AFO-296. By comparing these photographs to the videos and images from the U.S. Capitol, your affiant believes the images are all consistent with Kevin Douglas Creek.

14. On January 10, 2021, a complainant reported to the FBI that on January 9, 2021 or January 10, 2021, an individual named Kevin Creek made comments while visiting Northside Forsyth Hospital about his involvement at the U.S. Capitol riot on January 6, 2021. Creek disclosed that he was tear gassed at the Capitol on January 6, 2021. Creek discussed running up the stairs of the Capitol building and attempting to get inside. Creek talked about having trouble at the door he ran to because the police were gassing individuals at his door. Creek also mentioned he was bruised from his activity at the Capitol and admitted to a long car ride to get to DC. Creek made general comments regarding always being armed but did not directly say whether he was armed at the Capitol.

15. During a follow up interview, the complainant said Creek mentioned he was gassed before in the military where he never experienced the types of effects he was experiencing this time.

16. Financial records obtained from JP Morgan Chase bank corroborate Creek used a credit card issued in his name to purchase gas and food en route to and at Washington D.C. from Alpharetta, GA. For example, on January 5, 2021, Creek used his credit card at Shell Oil in Petersburg, VA, Quinns in Arlington, VA and at Panera Bread in Burlington, NC. On January 7, 2021, Creek used his credit card at QT in Anderson, SC and at BP in North Chester, VA.

17. Travel records obtained from Washington Metropolitan Area Transit Authority confirm that on January 6, 2021 at 8:15am, Creek's credit card was used to purchase four metro cards. These metro cards were used to traveled from Rosslyn Station McPherson Sq Station at approximately 8:17 am. At 11:07 am, one metro card was used to return to Rosslyn Station from McPherson Station. The other 3 cards returned from Arch-Navy Memorial Station to Rosslyn Station at 4:37 pm. Arch-Navy Memorial Station is located about .8 miles to the U.S. Capitol.

18. A hotel charge on January 8, 2021 and a conversation with a Marriott Area Director, confirmed that Creek lodged at Courtyard by Marriott with a check-in date of January 5, 2021 and a check-out date of January 7, 2021. This hotel is located at 1533 Clarendon Blvd, Arlington, VA 22209 directly across the Potomac river from the National Mall and the U.S. Capitol building. Since January 6, 2021, the hotel name has changed from Courtyard by Marriott-Arlington to Sonesta Select Arlington.

19. Your affiant reviewed records obtained from open sources and verified that a F-150 Supercrew with license plate ending in XXX5830 is registered to Creek. Federal Air Marshals have also observed Kevin Creek entering this vehicle at the Hartfield Jackson International Airport in Atlanta, Georgia. This license plate was run by an FBI-Atlanta Task Force Officer through Leonardo, a Automatic License Plate reader in Georgia. Leonardo automatic plate reader captured Creek driving to D.C. from Georgia on at 8:44 am on January 5, 2021 and returning at 6:11 pm on January 7, 2021. On both occasions, the reader registered the license plate on I-85 in Franklin County, Georgia.

20. On Friday, May 21, 2021, your affiant conducted an in-person, voluntary interview with Creek and his attorney, David Joyner. There was no promise or representation to Creek or his counsel limiting how Creek's statements could be used. Creek admitted that he drove to Washington D.C. on January 5 and drove home to Georgia on January 7. Creek admitted he stayed at a hotel in Arlington, Virginia and that he took the DC Metro to the U.S. Capitol. Creek also provided names of individuals he traveled with. Creek described the attire he was wearing on January 6th. Creek's description of his attire on January 6th identically matched the attire of AFO-296.

21. Creek was shown photographs of AFO-296 from the January 6th riot, and Creek admitted the photos were of him. Your affiant then played videos of both assaults on federal officers, and Creek admitted the videos looked like him, but Creek said he "did not remember assaulting any officer". In addition, Creek described in great detail where he went that day and

drew on a map where he was standing on the U.S. Capitol grounds. Creek's drawing matches where the body camera footage captured AFO-296's assaults. Creek admitted he was armed with mace and a boot knife while at the U.S. Capitol.

22. Initially, Creek told affiant he was live streaming January 6th and posted the stream and photos on his Facebook account. Creek deleted those photos once he returned home. Creek stated he may have heard about the protest from his twitter account (handle @KevinDCreek) but stated he could not remember for certain.

23. When asked if Creek regretted his conduct on January 6th, he responded: "50/50".

24. On the day of the interview, your affiant compared Creek's physical appearance to the photographs and video of AFO-296 from January 6th, and your affiant believes it is the same person—Kevin Douglas Creek.

25. Participants in the riot at the U.S. Capitol on January 6, 2021, utilized mobile devices to organize, document, and broadcast many of the events at the Capitol. As seen in the photograph above, Creek is utilizing his cell phone. You affiant was able to confirm with Creek that his telephone number is (***) ***-3921.

Statement of Probable Cause

26. Based on the foregoing, your affiant submits that there is probable cause to believe that KEVIN DOUGLAS CREEK violated 18 U.S.C. § 1752(a)(1), (2) and (4) which makes it a crime to (1) knowingly enter or remain in any restricted building or grounds without lawful authority to do so; (2) knowingly, and with intent to impede or disrupt the orderly conduct of Government business or official functions, engage in disorderly or disruptive conduct in, or within such proximity to, any restricted building or grounds when, or so that, such conduct, in fact, impedes or disrupts the orderly conduct of Government business or official functions; (4) knowingly engage in any act of physical violence against any person or property in any restricted building or grounds; or attempts or conspires to do so. For purposes of Section 1752 of Title 18, a "restricted building" includes a posted, cordoned off, or otherwise restricted area of a building or grounds where the President or other person protected by the Secret Service, including the Vice President, is or will be temporarily visiting; or any building or grounds so restricted in conjunction with an event designated as a special event of national significance.

27. Your affiant submits there is also probable cause to believe that KEVIN DOUGLAS CREEK violated 40 U.S.C. § 5104(e)(2)(D) and (F), which makes it a crime to willfully and knowingly (D) utter loud, threatening, or abusive language, or engage in disorderly or disruptive conduct, at any place in the Grounds or in any of the Capitol Buildings with the intent to impede, disrupt, or disturb the orderly conduct of a session of Congress or either House of Congress, or the orderly conduct in that building of a hearing before, or any deliberations of, a committee of Congress or either House of Congress; and (F) engage in an act of physical violence in the Grounds or any of the Capitol Buildings.

28. Your affiant submits there is probable cause to believe that KEVIN DOUGLAS CREEK violated 18 U.S.C. 231(a)(3), which makes it unlawful to commit or attempt to commit any act to obstruct, impede, or interfere with any fireman or law enforcement officer lawfully engaged in the lawful performance of his official duties incident to and during the commission of a civil disorder which in any way or degree obstructs, delays, or adversely affects commerce or the movement of any article or commodity in commerce or the conduct or performance of any federally protected function. For purposes of Section 231 of Title 18, a federally protected function means any function, operation, or action carried out, under the laws of the United States, by any department, agency, or instrumentality of the United States or by an officer or employee thereof. This includes the Joint Session of Congress where the Senate and House count Electoral College votes.

29. Your affiant submits there is probable cause to believe that KEVIN DOUGLAS CREEK violated 18 U.S.C. § 111(a)(1) which makes it a crime to forcibly assault, resist, oppose, impede or interfere with any person engaged in the performance of official duties.

[redacted]
Special Agent, FBI

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 4th day of June 2021.

Robin M. Meriweather
U.S. MAGISTRATE JUDGE